

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

DAVID DEAN BUZZARD, JR.,

Petitioner,

v.

CIVIL ACTION NO. 3:20-0600

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Respondent's request that the action be dismissed (ECF No. 10) be granted; that Petitioner's Petition (ECF No. 3) be denied; and that Petitioner's Motion for an Emergency Hearing (ECF No. 12) be denied as moot and removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that that Respondent's request that the action be dismissed (ECF No. 10) be **GRANTED**; that Petitioner's Petition (ECF No. 3) be **DENIED**; and that Petitioner's Motion for an Emergency Hearing (ECF No. 12) be **DENIED** as moot, and that this action be **REMOVED** from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 2, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE